

GEORGE P. MARSH.

[To accompany Bill H. R. No. 8.]

APRIL 6, 1860.

Mr. ROYCE, from the Committee on Foreign Affairs, made the following

REPORT.

*The Committee on Foreign Affairs, to whom House Bill No. 8, entitled an act for the relief of George P. Marsh, was referred, submit the following report:*

Mr. Marsh was appointed minister resident at the Ottoman Porte on the 29th day of May, 1849, and having entered upon the duties of his mission, he continued in charge of the same until the 19th day of December, 1853, when he had his final audience of leave.

By special instructions, under date of April 29, 1852, the Department of State ordered Mr. Marsh to proceed to Athens in Greece, to investigate certain complaints made by Dr. Jonas King, an American citizen resident in Greece, against the government and judicial tribunals of that country, report upon them, and after transmitting his report, to remain at Athens or in its neighborhood until he heard from the department. In pursuance of these instructions, Mr. Marsh embarked for Athens as soon as a ship was ready to receive him, and arrived at that city on the 31st day of July, 1852.

He immediately thereafter engaged in the intricate and laborious investigations committed to him, which required an extended study of the civil and criminal laws of that kingdom, and the personal and critical examination of a great mass of manuscript testimony, judicial records, and other writings in the language of the country, as well as the execution or revision of translations of many of them, and were consequently attended with a vast amount of labor and difficulty.

Having completed his reports in the month of October following, he transmitted them to the State Department, and in compliance with his instructions awaited the further orders of the department.

Upon the 5th day of February, 1853, the President of the United States, through the State Department, instructed Mr. Marsh to enter into communication with the government of Greece, and endeavor to obtain redress for the wrongs which Dr. King had suffered at the hands of that government and its judicial tribunals. He accordingly

commenced a negotiation with the minister of foreign affairs, and remained at Athens, in the prosecution of the same, until the 25th of June, 1853, at which time the alarming posture of affairs at Constantinople required his immediate return thither, and he accordingly proceeded to that city, but the correspondence with the Greek minister was continued until his recall.

It will thus be seen that Mr. Marsh was absent from Constantinople and engaged in the duties of this special mission for about one year; and although the department has frequently acknowledged the importance and value of the services rendered by Mr. Marsh, he has never received any compensation therefor, for the reason that there never has been any fund provided by law out of which he could be paid.

In accepting the appointment of minister resident to the Ottoman Porte, it could not have been anticipated by Mr. Marsh that he would be required to perform the services above described, in addition to the duties of his mission, for the compensation attached to said office.

Whenever our foreign ministers have been required by the government to perform duties not appertaining to their mission, and at other points than those to which they were accredited, the government has always recognized its liability to pay for such extra services. The amount to be paid must of course depend upon the nature and character of the services rendered.

Your committee do not feel called upon to cite precedents in support of this principle, and will only refer to the cases of Messrs. Schenck and Pendleton, who were paid \$18,000 each for negotiating treaties with the republics of Paraguay and Uruguay, while they were ministers to Brazil and to Buenos Ayres.—(See United States Statutes at Large, volume X, p. 659, and volume XI, p. 449.)

Mr. Marsh's account for travelling expenses has been allowed and paid by the department. But he was subjected to large pecuniary losses, on account of this mission to Greece, which have not been repaid; and your committee believe that the sum of \$9,000 would be no more than a fair and just compensation for his services on account of said mission to Greece, and therefore recommend that he be paid that amount in full for all claims on account of said mission.

Mr. Marsh also claims to be allowed pay for judicial services while minister resident to the Ottoman Porte. This claim is entirely distinct from the one above reported upon, and your committee are not prepared at this time to make any recommendation upon this portion of his claim.

Your committee recommend an amendment to the bill by striking out all after the enacting clause, and inserting the accompanying, and when so amended, recommend its passage.